



Arlington Conservation Commission

Date: May 5, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, David White, Pam Heidell, Dave Kaplan, Nathaniel Stevens, and Associate Commissioners Cathy Garnett, Myra Schwartz, and Doug Kilgour. Conservation Agent David Morgan.

Members of the public included: John Rockwood (EcoTec), Eric Gerade (VHB), Bruna Rosetti (North American Development), Tom Falwell (representing Santini Realty Trust), Ann LeRoyer (Open Space Committee)

Agenda

I. Administrative

1. April 21, 2022, draft meeting minutes – the chair postponed this agenda item to the next meeting on May 19, 2022.

2. Park & Recreation Commission Update

C. Garnett shared that the Park & Recreation Commission plans to install communication boards for individuals with autism and other developmental delays to use with their neuro-typical peers. She suggested the Conservation Commission may want to follow suit on its properties. Park & Recreation considered but rejected signage about coyote habitat.

Impacts from off-leash dogs were discussed in depth. S. Chapnick suggested telling the Park & Recreation Commission that we support efforts to limit impacts in wetland areas. D. Morgan suggested outreach to dog owners via the dog license list held by the Clerk's office. M. Gildesgame suggested signage like that at Hill's Pond about feeding wildlife.

3. Updates to Regulations

S. Chapnick presented a draft of the updated and revised Arlington wetlands regulations.

P. Heidell asked why additional Riverfront Area regulations were being added when DEP's regulations are thorough and new regulations may



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further confuse applicants. S. Chapnick asked commissioners whether they thought clarification of DEP's regulations was needed. N. Stevens agreed with P. Heidell and recommended keeping with DEP's regulations but added that there were some useful clarifications to be added, such as that lawn area is not considered previously degraded. D. White agreed. D. Kaplan felt that additional performance standards would be useful, such as no net increase in degraded area. C. Tirone felt clarifications were needed beyond the Wetlands Protection Act, including whether the commission considers lawn to be previously degraded. N. Stevens offered to consult case law to find whether that issue had been addressed in the courts. M. Gildesgame, C. Garnett, and D. Kilgour did not feel well enough informed to decide. M. Schwartz had left the meeting prior to 8:30 PM. D. Morgan said the additional clarity would be useful for communicating with applicants. He encouraged the commission to consider additional Riverfront Area performance standards in terms of climate change resilience. S. Chapnick felt that this version of revisions should be limited to clarifications of the existing standards and agreed with D. Morgan that future revisions should incorporate resilience considerations. She requested that commissioners submit further feedback to S. Chapnick and D. Morgan via email by the next meeting.

N. Stevens raised the issue of the exemptions in the Wetlands Protection Act and which exemptions the commission may not want to apply locally. D. Morgan responded that he requested that town counsel review the utility exemption to see if the commission can require the filing of a Request for Determination of Applicability but there is no decision yet. He agreed to inquire further with other conservation agents and their professional networks.

M. Gildesgame wondered whether the climate change section of the regulations should include associated definitions. S. Chapnick agreed. C. Garnett commented that the definitions should be substantiated further. She requested that the commission hold a dedicated session on climate resiliency to find common ground on the definitions and requirements. S. Chapnick and N. Stevens agreed.

C. Garnett asked about the definition of cumulative effect and how it is or can be employed by the commission. N. Stevens said the only case law on the matter says that the concept is weak.

P. Heidell offered to reword the definition of Stream (#82). She added that both subclauses should be required for administrative review (Section



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8(B)1-2).

N. Stevens requested administrative approval of removal of one or two trees. D. Morgan agreed provided replacement requirements still applied. C. Tirone asked to revise (Section 8(B)(1)) to say administrative approval is allowed outside of the first 25 feet of the Adjacent Upland Resource Area (AURA) and Riverfront Area rather than 50 feet. P. Heidell, N. Stevens, and S. Chapnick agreed. D. Morgan requested administrative approval of invasive vegetation within the 25' buffer / AURA. C. Tirone warned that there could be sizeable projects that would not receive commission review if that were allowed. S. Chapnick and N. Stevens encouraged D. Morgan to draft language about limiting the size and scope of such projects that would be administratively approved.

4. 1021 – 1025 Massachusetts Avenue 40B Development

S. Chapnick shared that the development firm (Maggiore) behind the 1021 – 1025 Massachusetts Avenue 40B project had submitted the site application to Mass Housing. Comments on the application are owed by the Conservation Commission by May 20, 2022. S. Chapnick requested a meeting of a small group of commissioners to review and provide comments. C. Garnett mentioned that the Maggiore firm misrepresented the nature of the working session with herself and D. Morgan to the Selectboard and characterized it as a collaborative effort. While the commission provided input in prior working sessions, C. Garnett and D. Morgan did not provide input on the proposal during this meeting about riverfront mitigation, but only listened to the presentation and asked questions. C. Garnett volunteered to review the application. S. Chapnick and D. Morgan agreed to participate as well.

II. Hearings

1. Request for Determination of Applicability: 20 Lafayette Documents: 20 Lafayette Street RDA Package

J. Rockwood of EcoTec presented the Request for Determination of Applicability for the Applicant, for a partial demolition, addition, and renovations to the existing residential structure at 20/20A Lafayette Street. Work is proposed within the floodplain (FEMA Zones AE, X) of Alewife Brook.

J. Rockwood noted that the state and local wetlands regulations define the boundary of Bordering Land Subject to Flooding based on flood profile



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data, not necessarily FEMA mapping. He presented evidence that the subject site was above the 7 foot elevation (which was the 100-year flood level determined by the most recent FEMA map revision of April 8, 2016) and the lowest elevation on site is 8.39 feet.

J. Rockwood summarized that the entire parcel was thus not jurisdictional and as such requested a negative determination (N1, N4, N6).

P. Heidell asked whether there was fill added to achieve the elevation of 8.39'. J. Rockwood responded that it was the natural elevation.

P. Heidell also noted the changes to the Arlington Stormwater Bylaw and suggested that the applicant confirm compliance with the Engineering Division.

M. Gildesgame asked whether there was runoff from the uncovered soil pile in the backyard of the subject site. J. Rockwood said there was little to none. Nevertheless erosion controls were installed.

C. Tirone opened the floor for public comment. None were made.

N. Stevens moved that the subject site is not jurisdictional to the Wetlands Protection Act or local bylaw. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, N. Stevens – yes, D. Kaplan – yes, P. Heidell – yes.

2. Notice of Intent: 34 Dudley Street Documents: 34 Dudley Notice of Intent Package

E. Gerade of VHB presented an update on the Notice of Intent for the Applicant, to construct a five-story self-storage facility at 34 Dudley Street and remove a failing retaining wall on the adjacent Town-owned parcel at 0 Grove Street. As proposed, the project will result in impacts within the Riverfront Area to Mill Brook, 100-foot Adjacent Upland Resource Area, and buffer zone to Bank. This application was first heard on March 3, 2022. The hearing was continued at the applicant's request. The commission requested the applicant to update documents related to photometrics, shading, erosion controls, and stormwater management.

Relevant project updates included reduced building area (-2,800 sq. ft.) 50% of which will be replaced by impervious parking lot, an added



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bioretention basin/swale at the westerly edge of the parcel, a containment berm for construction erosion control, fencing at the rear of the site, and planting beds/rain garden at the north westerly edge. The stormwater report was updated with NOAA+ data.

D. Kaplan asked if the applicant thought water quality would be affected by the change from building footprint to parking. E. Girade explained that there is no expected increase in traffic or parking demand and therefore he does not anticipate any increase in associated contaminant loadings.

N. Stevens inquired about the potential use of permeable pavement in the new areas. E. Girade said the idea was ruled out for those spaces over the stormwater system. N. Stevens commented that permeable pavement could be used elsewhere.

N. Stevens asked about the Town owned land included in the scope of work and whether permission had been granted for work in that location. E. Gerade said there were no changes to the plan, and he would work with the project attorney to seek permission from the responsible authority.

M. Gildesgame asked if legacy contaminants were in the soil from the past use of the site as an autobody shop. E. Gerade reported that tests showed none, but measures are in place for construction consistent with Massachusetts Department of Environmental Protection requirements if hazardous waste is encountered.

D. Morgan asked about the grade of the proposed bioretention basin, it being uphill from the eastern portion of the site. E. Gerade said the grade is about 1% from south to north and so is expected to drain in that direction.

C. Garnett suggested that the applicant contact the Park & Recreation Commission to request permission for work on Recreation owned land at the back of the project (past fence-line) and report on this at the commission's next meeting.

S. Chapnick asked about the outstanding Certificate of Compliance for the site. E. Gerade said it was in progress.

S. Chapnick opened the floor for public comment.



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T. Falwell, representing an abutter, described the details of a memorandum of opposition to issuance of an Order of Conditions for the project provided on behalf of the Trustees of Santini Realty Trust at 26 Dudley Street. The letter objects to the site's stormwater management and planned work on Arlington-owned land that abuts the subject site. He inquired whether those issues, as well as the added fill that Santini Realty Trust expects will be needed for construction, had been addressed. S. Chapnick responded that the commission will respond, including comments from the town engineer, after details of the Notice of Intent are finalized, pending additional submittals from the Applicant. E. Gerade shared that no relevant changes were made to the stormwater management since the initial submittal and the amount of fill needed was minimal.

E. Gerade requested a continuance to the May 19, 2022, meeting. N. Stevens motioned to continue the hearing to the May 19, 2022, meeting. M. Gildesgame seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, N. Stevens – yes, D. Kaplan – yes, P. Heidell – yes.

M. Gildesgame motioned to adjourn, D. White seconded. Meeting adjourned at 9:15 PM.